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In re application of
Mitsuhiro Okuni
Serial No. 10/006,718
Filed: December 10, 2001
For: DRY ETCHING METHOD

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW HOLDING OF ABANDONMENT filed March 16, 2004. The Petition requests that the abandonment, as set forth in the Notice of Abandonment of March 9, 2004, for failure to timely file a proper reply to the Office letter of April 23, 2003, be withdrawn since the applicants did timely file a response thereto on July 23, 2003 by facsimile transmission to the USPTO. (A copy of the papers filed July 23, 2003 is attached to the instant petition.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response was properly filed on July 23, 2003 by facsimile transmission as evidenced by the properly completed Certification of Facsimile Transmission attached to applicant's response. Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely file a proper response to the Office letter mailed on July 23, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers originally filed July 23, 2003 by facsimile transmission and a copy of which is provided as an attachment to the instant petition.

The Petition is **GRANTED**.

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